

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Jasmine Diaz, on behalf of herself
and all others similarly situated,

Plaintiffs,

vs.

Dakota Travel Nurse, Inc., and
Jamie Fleck,

Defendants.

**ORDER GRANTING JOINT
MOTION FOR SETTLEMENT
APPROVAL**

Case No. 1:17-cv-012

Before the Court is the parties' "Joint Motion for Settlement Approval and Dismissal of Lawsuit" filed on May 21, 2018. See Docket No. 57. The parties jointly seek approval of a settlement resolving collective claims for overtime wages under the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.* The parties filed the Stipulation of Settlement and Release ("Settlement Agreement") with the Court for in camera review. See Docket No. 56.

Settlement agreements to resolve FLSA claims typically require court approval. See 29 U.S.C. § 216; King v. Raineri Const., LLC, 2015 WL 631253, No. 4:14-cv-1828, *2 (E.D.Mo. Feb. 12, 2015). The Court has carefully reviewed the motion and the terms of the proposed settlement agreement and determines that it is the product of an arm's-length negotiation between counsel, and it is a fair and reasonable resolution of a bona fide dispute. The attorneys' fees and litigation costs requested in the motion are reasonable, the service award payment requested in the motion is reasonable, and the settlement of the claims as to the Class Members according to the procedure set forth in the Settlement Agreement is therefore approved. The

parties shall administer the settlement of the Class Members as set forth in the Settlement Agreement.¹ The Court further certifies the State Class for settlement purposes only.²

Accordingly, the Court **GRANTS** the parties' motion (Docket No. 57), **APPROVES** the parties' Settlement Agreement, and **ORDERS** the action be dismissed with prejudice, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, without costs or legal fees to any party.

IT IS SO ORDERED.

Dated this 4th day of June, 2018.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court

¹ In the Settlement Agreement, the parties state they agree to submit the Settlement Agreement to the Court for approval and for appointment of a Settlement Administrator. See Docket No. 56, p. 7. The parties do not identify a Settlement Administrator. Consequently, the Court cannot appoint a particular individual to administer settlement funds, but approves of the parties' use of a Settlement Administrator in accordance with the terms of the Settlement Agreement.

² The Court already conditionally certified a FLSA Opt-In Class on May 17, 2017. See Docket No. 18. The "FLSA Opt-In Class" consists of former employees of Dakota Travel Nurse, Inc. who opted-in to litigation by filing consent forms. See Docket No. 56, p. 3. The Settlement Agreement also covers all current or former employees of Dakota Travel Nurse, Inc. who worked as a travel nurse on or after January 10, 2014, in North Dakota. This second Class is referred to as the "State Class." See Docket No. 56, p. 3. The phrase "Class Members" as used here includes members of both the FLSA Opt-In Class and the State Class.